

**Testimony of C.W. McMillan
On behalf of
National Chicken Council and
United Egg Producers
On the Proposed Transfer of the
Animal and Plant Health Inspection Service
To Proposed Department of Homeland Security**

**Before the
House Committee on Agriculture
June 26, 2002**

My name is C. W. McMillan, President of C. W. McMillan Company. I am pleased to be here today on behalf of the National Chicken Council (NCC) and the United Egg Producers (UEP). NCC is a national trade association representing the producer/processors of more than 95 percent of the broiler-fryer chickens marketed in the United States. UEP is a farmer cooperative whose members account for more than 80 percent of U.S. shell egg production. The membership of these organizations appreciate the opportunity to present their views on the proposal to transfer the functions of the Animal and Plant Health Inspection Service (APHIS) of the U. S. Department of Agriculture (USDA) to the new Department of Homeland Security.

I also would like to note that the National Turkey Federation shares in the concerns we raise in this testimony. However, NTF's Executive Committee has not been able to meet and to develop final policy yet on this issue, so the Federation has elected to submit a written statement for this hearing.

First let me say that we compliment the President and his staff, including Homeland Security Director Governor Tom Ridge, for focusing the nation's attention on the need for homeland security and for taking the first steps to create a unified, focused agency to deal with this critical mission. The question before you, we believe, is how this mission can best be achieved, and what functions and agencies of the federal government should be contributed to the new department to maximize its effectiveness.

Between 1981 and 1985, I served as Assistant Secretary of Agriculture for Marketing and Inspection Services. APHIS was one of several agencies reporting to that Assistant Secretary's office. In my role as Assistant Secretary, I learned first hand about the important and integral functions APHIS provides in USDA's regulation of agriculture. It is in that context, and based upon my personal experience, that I offer on behalf of NCC and UEP some suggestions for how most effectively to enhance homeland security by deploying relevant APHIS resources without jeopardizing that agency's traditional and still vital functions.

As you know, Mr. Chairman, APHIS has 8,000 employees and a budget of more than \$1 billion. It handles a host of important functions, ranging from enforcement of the Animal Welfare Act in zoos and circuses, to issuing of permits for the development of biotech crops, to conducting inspection and quarantine of imported plants and animals to guard against foreign pests and diseases. It also oversees the National Poultry

Improvement Plan, which certifies breeding stock as free of disease and therefore suitable for interstate and international commerce.

We believe that it is appropriate for the border protection activities of APHIS to be made available to the new Department of Homeland Security, perhaps by assignment, memorandum of agreement, or even partial transfer.

However, most APHIS activities are involved in service to agriculture and have little or nothing to do with homeland security as we understand it. These functions should remain within the department that is most oriented to agriculture, that is, the USDA.

Allow me to cite a situation that is going on right now to illustrate the challenges that are faced every day by APHIS. From time to time, there are outbreaks of disease in animals that are endemic to the United States. These diseases may have been inadvertently introduced many years ago from some other nation but today are considered to be of a domestic nature. A classic example of this is Avian Influenza (AI). We have recently had a significant outbreak of Low-Pathogenic Avian Influenza in the state of Virginia. Although this is a mild version of Avian Influenza, nevertheless it must be eradicated where it occurs, and APHIS has been very helpful in addressing the problem in Virginia. The state agencies take the lead on this particular problem, and APHIS has coordinated with the states in a very professional manner. APHIS and other agencies of USDA, in cooperation with Congress, are also

addressing the question of indemnification for poultry producers who have suffered losses as a result of the outbreak.

In addition to its impact on animal health, a problem such as Avian Influenza – even the low-pathogenic variety – has an impact on our international trade relations. As you know, Mr. Chairman, we have a very large trade in poultry and poultry products, with total exports of chicken, turkey, eggs and egg products amounting to more than \$2.3 billion in 2001. APHIS is involved in trade issues and works closely with other agencies in USDA such as the Foreign Agricultural Service and Food Safety and Inspection Service. This interaction is readily accomplished because all these agencies are under the same roof.

In sum, in dealing with a problem such as Avian Influenza, APHIS has to deal with the states, with foreign governments, and with other agencies of the USDA. The USDA as a Department is prepared to move quickly when this type of situation develops. It has the human expertise and funds to get involved quickly and help bring the situation under control.

Yet none of this has anything to do with homeland security. The outbreak of the mild form of avian influenza is an unfortunate development, but it was not terrorism, nor does it threaten human health. The only foreign involvement in the AI outbreak at all is the remote possibility that it was spread by Canada geese. That and the unfortunate and unjustified trade response of several foreign governments to ban our products.

Let me assure you that we understand that our domestic industry of agriculture and our consumers in the public at large must be protected against bioterrorism. This is a matter for law enforcement and border control. APHIS is already deeply involved in border control and every month seizes hundreds of pounds of plant and animal material that is being brought into the country in inadvertent violation of regulations. Its expertise in this area will be of great service to the Department of Homeland Security. Its function as the guardian of zoo animals would not.

This is why we believe that the principal functions of APHIS, those involved in service to agriculture, to animal welfare, and other topics unrelated to terrorism – should remain in the Department of Agriculture. Those APHIS responsibilities related to border protection should be made available or transferred to the new Department of Homeland Security.

Working with production agriculture and agribusiness in areas ranging from international trade to domestic disease control is part of the mission of USDA. Although it has been publicly stated that the same understanding will be present in the new Department of Homeland Security, it is hard to believe that this will happen. Routine services to agriculture will clearly not be part of the mission of the Department of Homeland Security. Such functions simply will not have a high priority with the new department and will not have a significant call on its resources if the new department is as focused on homeland security as

it should be. In fact, for us to ask the new Department to focus on avian influenza indemnification or similar matters could only blur the Department's focus. Surely such an outcome is not what any of us desire.

In short, we agree that some of the border functions provided by APHIS should be made immediately available to the new Department of Homeland Security, where those functions can be coordinated with the Immigration and Naturalization Service or the Customs Service. There are many intra-governmental mechanisms through which assignment or even partial transfer of expertise and resources can readily be accomplished without necessarily altering a well-established and still essential regulatory structure.

We support establishment of the Department of Homeland Security. We respectfully recommend, however, that the critical, traditional, non-security-related missions of APHIS should be preserved by retaining these functions within USDA.

Thank you for your consideration.